

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

JANE DOE et al,

Plaintiffs,

vs.

HOWARD ZUCKER, et al,

Defendants.

Civil Action No.: 1:20-CV-0840 (BKS/CFH)

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR A TEMPORARY  
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Upon consideration of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction, Defendants' Opposition, Plaintiff's Reply, the hearings before this Court, the relevant legal authorities, and the record of this case as a whole;

The Court finds that Plaintiffs are likely to succeed on the merits of its claims. The Court further concludes that Plaintiff has shown a likelihood of irreparable injury in the absence of injunctive relief, that the balance of equities favors Plaintiff, and that an injunction would be in the public interest. Given these considerations, the Court finds that injunctive relief is warranted in this case.

It is, therefore, ORDERED that Plaintiffs' motion for a Preliminary Injunction is GRANTED. Defendants and their officers, agents, servants, employees, and attorneys, as well as any other persons who are in active concert or participation with the foregoing, are ENJOINED from overruling a medical exemption so long as the child has submitted a letter from a physician licensed to practice in New York stating that the immunization in question may be detrimental to the child's health;

PROPOSED ORDER

IT IS FURTHER ORDERED that while this litigation is pending, Defendants are barred from the application and enforcement of the 2019 amendments governing medical exemptions, codified in New York Codes, Rules and Regulations (10 NYCRR §66-1.1 *et seq*), which are temporarily stayed until such time as the Court rules on Plaintiffs' claims for permanent injunctive and declaratory relief as follows:

- a. 10 NYCRR §66-1.1(l), redefining and narrowing what "may be detrimental to a child's health" is temporarily stayed pending resolution of this litigation;
- b. Amendments to subparagraph (ii) of paragraph (4) of subdivision (c) of section 66-1.2 and amendments to subdivision (c) of section 66-1.3 requiring annual certification for conditions deemed permanent in nature and heightened documentation and reporting requirements are temporarily stayed pending resolution of this litigation; and

IT IS FURTHER ORDERED that Defendants are required to provide appropriate and immediate notice of this Court's order to schools, school districts and families.

**SO ORDERED**

Dated:

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United States District Judge